IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2134 OF 2003

IN

SUIT NO. 1019 OF 1992

Central Bank of India .. Plaintiffs.

vs.

Sandeep Anand Pathare .. Defendant.

G. Hariharan i/by Amin & Hariharan

for plaitniffs.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 28th OCTOBER, 2005.

P.C.

. The present motion is taken out for restoration of the suit which has been dismissed by an order dated 14.7.2003. The defendant is appearing in person. The matter was on board before the learned Judge on 30.9.2003 when the Court directed that the defendant should be informed. The matter thereafter came up on 5.9.2005. Once again the Court directed the learned advocate for the plaintiff to give notice to the defendant. Pursuant thereto the learned Advocate has given notice on

5.9.2005. The said packets are returned unclaimed and returned to sender. Thereafter another notice was given on 7.10.2005. The same has been sent by UCP. In that view of the matter and that the defendant is not appearing inspite of various notices are given to him, I pass following order:

> Order dated 4.7.2003 dismissing the suit is set aside and the suit is restored. The plaintiff is directed to pay cost to the defendant quantified at Rs. 5000/-. Suit to come up in usual course. If cost is not paid within a period of four weeks from today, the notice of motion to stand dismissed. Xerox copies of the notices are taken on record.